IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10310 of 2004

Between:

1 Lankada Adinarayana, S/o. Appalaswamy,
R/o. Yatakummaripalem, D.No. 10-36-36, Bheemunipatnam Mandalam, Visakhapatnam District.
2 Smt. Aradada Varalakshmi, W/o. Aradada Veera Mohana Varma, R/o. Sri SaisteenivasaPlaza Nad Kotta Road, Visakhapatnam.
3 Smt. Akula Rama bai, W/o. Akula Murali,
R/o. Qr.No. B/61, Sheelanagar,
BHPV, Visakhapatnam.
4 Smt. Bommidi Suvarana Devi, W/o. Sri B.Narasimham,
R/o. 30-15-39, Dabagardens, Visakhapatnam.
5 Smt. Panatala Padmasree, W/o. Sri P.Krishna Mukar,
R/o. 51-15-16, Subhashnagar, Kancharapalem,visakhapatnam.
(1 to 5 are rep.by their GPA Holder Siruvuri Appala Narasimha Raju S/o.Late Venkata Rama Raju, Age,65,R/o.12-1-20,Near Green Park , Visakhaptnam)

..... PETITIONERS

AND

1 The Assistant Commissioner of Endowments, Visakhapatnam.
2 Sri Langarakhana Choultry, Rep.by the Person-in-Management Bheemunipatnam Village and Mandal, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly a writ in the nature of Writ of Mandamus declaring the action of the first Respondent ie., the Assistant Commissioner of Endowments Visakhapatnam, in not disposing their application relating to their claim as small farmers of the schedule mentioned lands in Survey Nos.

22,81/1 and 27 admeasuring an extent of Acs. 10-71cts. Belonging to sri Langharkana Choultry, Bheemunipatnam Village and Mandal, Visakhaptnam, District as bad, illegal, arbitrary

For the Petitioners: MR.M.VIDYASAGAR, Advocate

For the Respondent No.2: Standing Counsel for Endowments

The Court made the following ORDER:

This writ petition is filed by the petitioners, who are five in number, aggrieved by the action of the second respondent in proposing to conduct public auction with regard to the leasehold rights of the lands belonging to the second respondent.

2. It is stated that the first petitioner and his father are the tenants in respect of land in an extent of Ac.10.71 cents belonging to the second respondent – Choultry and the same has been continuing since several years. But, however, without issuing any notice, the respondent authorities proposed to conduct auction of leasehold rights with reference to Ac.6.00 cents of land belonging to the second respondent.

3. The learned counsel for the petitioners also contended that the petitioners have made application in terms of Section 82(2) of the A.P. Charitable and Hindu Religious Institutions and Endowments Act 30 of 1987 read with G.O.Ms.No.379. But, however, the Assistant Commissioner – first respondent herein did not pass any orders so far declaring the status of the petitioners. Therefore, the petitioners have come up with the present writ petition.

4. When the matter came up for hearing on 23.06.2004, the learned Standing Counsel for the second respondent was directed to get instructions. Today, when the matter come up for hearing, it is represented that with reference to Ac.6.00 cents, auction was held on 20.05.2004 and the same was also confirmed on 26.05.2004 and an extent of Ac.4.00 cents was already leased in favour of the first petitioner

and the same lease is valid for 2004-2005.

5. In view of the above stated circumstances, the learned counsel for the petitioners sought for a direction to the first respondent to dispose of the representation made by the petitioners to declare their status with reference to the land in question.

6. Under the above circumstances, the writ petition is disposed of recording the above said facts, directing the first respondent to dispose of the representation of the petitioners for declaration of their status, expeditiously preferably within a period of two months from the date of receipt of a copy of this order. No costs.

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28.06.2004

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1 The Assistant Commissioner of Endowments, Visakhapatnam.
2 The Person-in-Management, Sri Langarakhana Choultry, Bheemunipatnam Village and Mandal, Visakhapatnam District.
3 Two CD Copies.